IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

**O R D E R**

S.B. CRIMINAL REVISION PETITION NO. 841/2001

*SUWA LAL Vs. STATE OF RAJASTHAN & ORS.*

DATE: 09.04.2007.

**HON'BLE MR. K.S. RATHORE, J.**

Mr. Ajay Gupta for the complainant-petitioner.
Mr. B.S. Chhaba, Public Prosecutor for the State.
Mr. J.R. Bijrania for
Mr. A.K. Gupta for the accused-respondents.

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This criminal revision petition under Section 397 Cr.P.C. is preferred by the complainant-petitioner against the judgment dated 26.06.2001 passed by the Additional Sessions Judge, Neem-Ka-Thana, District Sikar in Criminal Revision No. 45/97, whereby the Revisional Court while allowing the criminal revision filed by the accused-respondents, quashed and set-aside the order dated 19.09.97 passed by the Additional Chief Judicial Magistrate, Neem-Ka-Thana, District Sikar in Criminal Case No. 160/92, by which the trial Court has framed charges against the accused-respondents for the offence under Sections 420 and 120-B IPC. The order of the trial Court dated 19.09.97 has been quashed and set-aside by the Revisional Court on the ground that civil suit to this effect is pending between the parties.

Learned counsel for the complainant-petitioner placed reliance on the judgment rendered by the Hon'ble Supreme Court in the case of **M. Krishnan Vs. Vijay Singh and Another, reported in (2001) 8 SCC 645,** wherein it has been held by the Hon'ble Supreme Court that mere pendency of the civil suit between the parties cannot be a ground for quashing the criminal proceedings against the accused.

Similar view has been taken by the Hon'ble Supreme Court in the case of **Lalmuni Devi (Smt.) Vs. State of Bihar And Others, reported in (2001) 2 SCC 17** and in the case of **Kamala Devi Agarwal Vs. State of W.B. And Others, reported in (2002) 1 SCC 555.**

Having heard rival submissions of the respective parties and having considered the ratio decided by the Hon'ble Supreme Court and in the considered view of this Court also, the judgment dated 26.06.2001 passed by the Revisional Court i.e. Additional Sessions Judge, Neem-Ka-Thana, Sikar deserves to be quashed and set-aside and the same is hereby quashed and set-aside and the matter is remanded back to the Revisional Court for fresh adjudication in the light of the ratio decided by the Hon'ble Supreme Court in the aforementioned cases and then pass fresh order in accordance with the provision of law.

With these observations, the revision petition stands disposed of.

Record be sent back forthwith.

**(K.S. RATHORE),J.**

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